

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

JOSEPH PAPP

CRIMINAL NO. 10-cr-4-GLL

**POSITION OF DEFENDANT WITH
RESPECT TO SENTENCING FACTORS**

AND NOW comes the Defendant, Joseph Papp ("Papp"), by his attorneys, William F. Ward, Esquire, and Ward McGough, LLC, pursuant to Rule 32.C.4 of the Local Criminal Rules and the Presentence Order of Court, dated February 17, 2010, and respectfully submits Papp's Position with Respect to Sentencing Factors and the *Presentence Investigation Report* prepared in the above-captioned case.

In support of this Position, Papp respectfully avers as follows:

1. Counsel for Papp consulted and conferred generally with Assistant United States Attorney Mary Houghton regarding the *Presentence Investigation Report* and agreed that there were no material disputed matters therein that require resolution by the Court.

2. On May 17, 2010, during the period of Administrative Resolution, counsel for Papp consulted and conferred by telephone with United States Probation Officer Terrell Lewis regarding the *Presentence Investigation Report* and agreed that there were no material disputed matters therein that require resolution by the Court.

3. Papp does not have any material objections to the *Presentence Investigation Report*.

4. There are anticipated grounds for a downward departure from the advisory guideline sentencing range, as set forth in Paragraph B.4 of the Plea Agreement that has been filed under seal with the Court [Doc. #8].

5. There are anticipated grounds for a sentence outside of the advisory guideline sentencing range, pursuant to the provisions of 18 U.S.C. § 3553(a), including: the facts, nature and circumstances of the offense; Papp's lack of any criminal history; and, the characteristics of the Defendant. Papp will provide supplemental information and expand on these factors in his "*Memorandum in Aid of Sentencing*" that will be filed one week before sentencing.

6. Papp will respond separately to the recently filed *Addendum*.

Respectfully submitted,

WARD McGOUGH, LLC

/s/ William F. Ward

William F. Ward

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Counsel for Defendant,

Joseph Papp

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the within *Position of Defendant with Respect to Sentencing Factors* was served upon the following by United States Mail, this 15th day of June, 2010.

Ms. Terrell Lewis
United States Probation Officer
Western District of Pennsylvania
Chamber of Commerce Building – Suite 1100
411 Seventh Avenue
Pittsburgh, PA 15219-5219

/s/ William F. Ward
William F. Ward